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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff  
vs.  
JAMES D. CLOUD,  
Defendant

NO. 1:19-CR-02032-SMJ-1

## GOVERNMENT'S RESPONSE TO MOTION TO SUPPRESS DEFENDANT'S STATEMENTS

Plaintiff, United States of America, by and through William D. Hyslop, United States Attorney, for the Eastern District of Washington, Thomas J. Hanlon and Richard C. Burson, Assistant United States Attorneys for the Eastern District of Washington, hereby responds to Defendant's Motion to Suppress Defendant's Statements (ECF 146) as follows:

In the instant case, the government stipulates and agrees not to introduce any of the Defendant's post-arrest statements at trial. Furthermore, the government stipulates and agrees not to introduce any of the Defendant's post-arrest statements as potential impeachment evidence. As such, the government submits that the defendant's motion is moot and there is no need for this Court to reach the *Miranda* issue. *See United States v.*

## GOVT'S RESPONSE TO MOTION TO SUPPRESS DEFENDANT'S STATEMENTS

1           *Kahre*, 737 F.3d 554, 565 (9<sup>th</sup> Cir. 2013)(defendant's motion to suppress evidence was  
2 rendered moot by government's failure to introduce challenged evidence at trial).

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4           Dated: February 24, 2020

5           William D. Hyslop  
6           United States Attorney

7           s/ Thomas J. Hanlon  
8           THOMAS J. HANLON  
9           Assistant United States Attorney

## CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jeremy B. Sporn

s/ Thomas J. Hanlon  
THOMAS J. HANLON  
Assistant United States Attorney